G. R. S. IX-5]

Previous references.

File No.

192 .

(Lungpai)

Serial Nos.

Later references.

L 3645—20 8 10

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

Part B for Delhi 1920

SUBJECT.

Incidence of Cess for the upkeep of Mo. Motor Road from the Dn Chaunderwund Temple at Mysore

---

Letter No. 1272 / Misc 57-20-3 dated 10-20 to the Prov. Govt. Mysore

G. R. S. 11] 1920.

GENERAL AND REVENUE SECRETARIAT.

(Inspn)

NOTES.

File No. 57-20

FILE HEADING.

Incidence of the Cost of maintaing the Motor Road round the Sri Chamundeswari Temple ~~Hills~~ at Mysore.

From

The President, D.B. Board, Mysore

No. 6. 267 of 20-21/D.B. Dated 2nd Aug 1920 Received 5.8.20

Diary No. 280	Enclos. 4	Spare Copies. —	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for orders of Govt. Copy of a resolution of the D.B. Board of Mysore, dated 25th Nov 1919, stating that the Board regret that they are unable to bear the cost, and that the Road suggest that the Hill be placed within the limits of the Municipality.

NOTES AND ORDERS.

1) An estimate for Rs 1884/- was sanctioned in Sept 1913 for Construction of a Motor road round the Sri Chamundeswari Temple.

NOTES—First Sheet

Serial No.

and the Charge was ordered to be met from the unappropriated balance at credit of the Special Fund at the disposal of the Palace Comptroller Institutions. In Oct 1917 the estimate in Question was revised to Rs 2510/- and sanctioned by H.H. the Charge to be met from the source indicated in the 1st ~~case~~ first instance.

In Nov 1917 the request of the Palace Comptroller to meet the cost of repairing the road in Question from the State Grant was not sanctioned Vide letter No 1235 D/ 21.11.1917 from this office No. 3356-60/ Imprest 375 1914 D/ 5th April 1920. Govt directed that the cost of maintenance already incurred be met by the P.W. the D.L.O., Nyzare

NOTE—Contn. sheet.

General and Revenue Secretariat.

1117 File No. of 19

Serial No.

Sri Chand de wari Temple as a special case and that the future maintenance charges should be borne in equal proportions by the Temple and the Improvement Board

[illegible] the Dy Comr & President Improvement Board, now reports that the Imp. Board decline to bear their proportion of the maintenance charges [illegible]

[illegible] 6/8/20 [illegible] 6/8/20

[illegible]

The Chairman of the Imp Board that as it is a Statutory body, it is subject to no Control and that it cannot be asked to withdraw its pendency that it has not agreed to appears to be of doubtful validity.

NOTE—Contn. sheet

General and Revenue Secretariat.

Revenue File No. 57 of 1920

Serial No.

6 Under Sec 8 of the Boards Regulation (VI of 918) the Board shall, so far as the funds at its disposal will permit, but subject to such directions and conditions as the Govt may from time to time make and impose provide for the control and administration of the following matters within the area subject to its authority:—

(a) the construction repair and maintenance of public roads and other means of communication

the etc

9 Under Sec 27 it is laid down that the Dt Fund shall be applicable to the payment in whole or in part of the charges and expenses incidental to the several matters specified in Sec 8; and accordingly by Sec 28 it shall be competent to Govt to sanction the

NOTE —Contn sheet

General and Revenue Secretariat.

Revy File No. 57 of 1920

Serial No.

budget estimates of the Dr Board with such modifications if any, as it thinks fit.

It appears to me that under these provisions it is open to Govt to direct that particular road within the area subject to the authority of the Mysore Dr Board shall be maintained by that Board and that necessary provision for the maintenance charges of the said road shall be made in the estimate of expenditure of the Board. I would suggest that this body might not be asked to it.

The Dr Board is subject to the control of the Dr Commr and a portion of the control of Govt.

Though the order in question was issued in the Revy department, it was duly approved by the Dewan,

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

File No. 57 of 1920

Serial No.

D. No. 1216
9-8-20.

The Hon'ble Member of Council in Charge of the P. W. D portfolio and the Second Member of Council in Charge of the Local Boards and Panchayat portfolios.

Forwarded for perusal of Hon'ble Members (Rev Secretariat) WJ 7/8/20

Submitted.

Goa. 9/8/20

If Govt. no doubt has sufficient power under Sec 28-4 to make modifications and changes in the Budget Estimates of the Dt. Board. Sec 35-4 still more unmistakeable and gives Real powers of interference to Govt Thus tho' legally Govt would be justified in requiring the Dt. Board to incur certain Expenditure Even though against its will, Still it may not be desirable to resort to steps which have an appearance of Coercion Perhaps if the strictly legal position is pointed out to the Board, it-

NOTE—Contn. sheet

General and Revenue Secretariat. | File No. | of 19

Serial No.

may have the desired effect.

11.8.

Rev. Secy

It may be added that there was some similar objection with regard to the work done to the Devikere Tank or to the road leading thereto — on the Hill. The decision in that case may also be referred to

13.8.20.

Misc. Secy

13.8.20.

xx This file may be handed to for refce.

14/8/20.

Rev Secy)

The three files No. 2170/1 regarding the Devikere Tank on the Chamundi Hill and one file No. 303/R re Opening out roads on the Chamundi Hill received from the Chief Engineer's office are subd. for perusal.

Refce requested to 30/8/20 papers H A-43, in file 2170 Pt-III.

9

1-9-20

Under Sec'y Mar

Delly)

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

Revenue File No. 57 of 1920.

Serial No.

Put up a draft reply as indicated in the notes below
WJ 22/9/20

Draft reply submitted for approval as desired
C.C. 8/9/20 RG 8/9/20 Asst 22/9/20.

P.W.D file No. 303/R. 1 2170/J pages 1, 2 & 3.

Secretary sent to New Delhi (Dy Secy) in connection with their D.O. No 2108 J 20-21 (L&B-36-20). under the orders of the undersigned
RG 11/9/20

Yes Member WJ 24/9/20

1987-207

28.9.20. A reply on the lines of the draft proposed may, I think, be sent. The draft is, I think, suitable. But if Government decides it can be toned down a bit for issue.

Dewan.

Revenue Secretary's Office. Recd. on SEP 29 1920 Reg. No. 2882

Rec'd 29.9.20

The draft seems to me to be one which we may issue

Secy 1.10.20

Seen

Draft as may be issued

Rec'd 3.10.20 Secretary

2.10.20

Asst 5.10.20

2112.73

NOTE—Contn. sheet No.

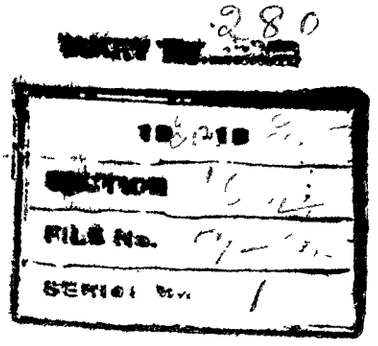
G. R. S. III-2.

General and Revenue Secretariat.

mmg. File No. 57 of 1922.

Serial No	
2.	To The President Dt board Mysore No 1272 Dy. 7.10.20. Requests that the Dt board may be advised to give immediate effect to the G.O. no. 3356-60/mun 375-19-4 Dy 5.4.20 and to provide the necessary funds. Vide slip attached
3	From the President, Mysore Dt board. No. C. 2674.B. Dy 18.1.21 20-21. States that at the meeting of the Dt board held on 27.11.20 the matter regarding the incidence of the cost of maintaining the motor road round the Chamundy temple ent[illegible] was deferred for consideration at their next meeting. Submitted for orders— Pk 24.1.21. The G.O. issued vide 3356-60/mun 375-19-4 Dy 5.4.20 and the office letter no. 1272/mun 57-20-2 Dy 7.10.20 do not give any option to the District Board to consider the matter otherwise than as directed. The further Comm: in the matter may be awaited. BL 24.1.21 Legal opinion may be sought, why the Dt Board be directed as already done. 24/1/21

NOTE—Contn. sheet.



From The President,
District Board of Mysore,
Mysore.

To The Secretary to the Government
of India, Deputy Commissioner of Mysore,
Revenue Department, Bangalore.

Dated 30th July, 1920.
Despatched 2nd August 1920.
Received
General No. C 5674B
No. 21
Enclosure No. - Nil

Subject.

Submits report regarding the cost of maintaining the Motor Road round the Sri. Chamundeswari Temple on the Chamundi Hills At Mysore.

(*) Letter No. 582 Dated 18th August 20 from the Huzur Secretary.
2. Letter No. D2. Dis. 325 dB of 20-20 dated 26th November 20 to the Huzur Secretary.
3. Copy of District Board's Resolution dated 25th November 20.

GPB—75 reams—25 5-10

G. 267 DB of 1920-21
Four only.

Office of the President District Board

Mysore District,

Dated, Mysore, the 30th July 1920
2nd August 1920

From

P. F. Bowring, Esq., J.P.,

President, District Board of Mysore,

Mysore.

To

E. Ramaswamayya, Esq., M.A., L.L.,

Secretary to the Government of H. H.

the Maharaja of Mysore, Revenue Department,

Bangalore.

Sir,

With reference to Government Proceedings No.3856-60/Muz 375-19-4 dated the 5th April 1920 directing that the outlay already incurred for reinforcing the Motor Road round the Sri Chamundeswari Temple on the Chamundi Hill be met in equal shares by the Public Works Department, the District Board and the Temple and that the future maintenance charges be borne equally by the District Board and the Temple, I have the honour to state that letter No.582 dated the 18th August 1919 received from the Huzur Secretary in the matter was placed before the District Board at their Meeting held on the 25th November 1919 when it was resolved that they were unable to bear the cost. The Government in the Muzrai Department have now passed the order under advertance and the District Board at their meeting held on the 21st May 1920 have resolved that with due deference to the orders of Government they desire to know as to how they can be made to bear the maintenance charges as indicated in the Government order contrary to the resolution already recorded by them. The Board are of opinion that they being a statutory body, a reconsideration of such matter by them is necessary for the acceptance of charges ordered by Government.

2. I have the honour to enclose for the orders of Govern-
ment an extract from the proceedings of the District Board, passed at
their meeting held on 21st May 1920 together with copies of the
marginally noted correspondence

I have the honour to be,

Sir,

Your most obedient servant,

President,

District Board of Mysore.

Letter No.582 dated the 17/19th August 1919 from the Huzur Secretary to His Highness the Maharaja of Mysore, Mysore to the President, District Board of Mysore, Mysore.

I have the honour to state that it is learnt that the cess now collected on the Sri Chamundeswari Hill by the Mysore Taluk authorities, on the occasion of the Car Festival of the Devi every year, is credited to District Funds. If so, the charges on account of annual maintenance of the motor road round the temple on the Hill which is used for the car procession seem to be legitimately debitable to that fund. About a sum of Rs.207-10-0 has been spent for the repairs of the road in previous years. This year also the road requires thorough repairs, the cost of which is estimated at Rs.1,575/-

2. Under these circumstances, I request you to be so good as to have this subject placed before the District Board and arrange for due provision being made to meet the said charges from the funds at their disposal.

3. An early reply in the matter will be appreciated.

"COPY"

V. C. Vaman Rao

for President,

District Board of Mysore.

Letter No.B2. Dis. 325/L.F.19-20 from the President, District Board, Mysore District, Mysore to the Huzur Secretary to His Highness the Maharaja of Mysore, Mysore.

========00========

With reference to your letter No.582 dated the 19th August 19 regarding the maintenance of the Motor Road round the Temple on the Chamundeswari Hill from District Funds, I have the honour to state that the matter was considered by the District Board at their meeting held on the 25th November 1919. The Board regret that it was unable to bear this cost and the suggestion was made that the Hill may be placed within the limits of the Municipality.

2. I may add for your information that the average annual income by the levy of fees on sheep etc. during the Jatra comes to -- about Rs.75/- and that an expenditure ranging from Rs.400/- to Rs.500/- is being incurred by the Board on account of lighting and other special sanitation charges during the Jatra.

COMPARED

COPY"

V. Venkatasubba Rao

for President,
District Board of Mysore.

Proceedings of the District Board of Mysore passed at a meeting held at 1 p m., at Mysore on.....Thursday.. the ...25th. November 1919

A. Ex-officio Members.

Present 1. The Deputy Commissioner, Mysore District
Present 2 The Assistant Commissioner, French Rocks Sub-Division
absent 3 Do Mysore do
absent 4 Do Nanjangud do
absent 5 Do Malvalli do
Present 6. The District Medical Officer, Mysore
Present 7 The District Sanitary Officer, Mysore
absent 8 The Executive Engineer, Mysore
absent 9 The District Inspector of Education Mysore

B Elected Members

Elected by Taluk Boards

10 Mr. Mallanna elected by the Taluk Board of Mysore
11. ,, H Rangaswamiengar do do
12 ,, Boregowda, do Yedatore
13 ,, Appajigowda, do do
14 ,, H V Hanumantha Setty, do Hunsur
15 ,, H N. Raghavendra Rao, do do
16 ,, B Chandrasekhariah, Heggaddevankote
17 ,, P Narayanasami, Taluk Board of Gundlupet
18 , Dorasamiengar, do Chamrajnagar
19 , Venkatasamaiya do do
20 , E Krishnappa, do Nanjangud
21 Papanna, do do
22 ,, Shamiengar, do T Narsipur
Present 23 ,, Varadiah, do do
24 , Puttasami Gowda do Malavalli
25 , Biram Khan, do do
26 , G V Nanjappa Setty, do Mandya
27 ,, G Siddappa, do do
28 , Ramaswamaiya, do Nagamangala.
29 , Kulle Gowda do do
30 , B Narasinga Rao, do Seringapatam
31 , Devaji Rao, do do
32 , H Krsihna Sastry, do Krishnarajpete
33 , Ayachita Narayan Dikshit, Taluk Board of Krishnarajpete
34 , Natesa Mudaliar, do French Rocks Sub-Taluk

Elected by Municipal Councils

35 ,, A Krishna Rao, B A , B L , elected by the Municipal Council of Mysore City
36 , S A Javaraya do do Seringapatam
37 K Venkatasamaiya B A , B L do do Nanjangud

Elected by Inamdars

38 ~~M K Krishna Rao, Pleader, Mysore.~~ Vacant —

Elected by recognised Association

39 C Narasimhaiya, B A , L L elected by the Bar Association Mysore

C. Nominated Members

Present 40 Revd Father Laurent
41 Lokaseva Nirathi Mr Ambi Annaya Pandit
42 Mr Mir Raza Ali
43 Maya Gowda Patel, Bannur
44 Linga Gowda, Maddur
45 Muhammad Sait Mysore
Vacant —

[illegible] Letter No.[illegible] dated the 14th August 1919 from the Munsif Secretary regarding the maintenance of [illegible] road to the temple on the [illegible] Hill from [illegible].

[illegible] that [illegible] request that they are unable to bear the cost. The Board suggested that the Hill be [illegible] within the limits [illegible] Municipality.

"ATTESTED"

V S Lakshmanan

for President,

District Board of Mysore.

Proceedings of the District Board of Mysore passed at a meeting held at / p m.,
at Mysore on Friday **the** 21.5.1 **of** March **1920.**

A Ex-officio Members

Present
1. The Deputy Commissioner, Mysore District
2. The Assistant Commissioner, French Rocks Sub-Division

absent
3 Do Mysore do

Present
4. Do Nanjangud do
5. Do Malvalli do

absent
6. The District Medical Officer, Mysore
7. The District Sanitary Officer, Mysore

Present
8 The Executive Engineer, Mysore
9. The District Inspector of Education Mysore

B Elected Members

Elected by Taluk Boards

Present
10. Mr. Mallanna elected by the Taluk Board of Mysore
11. ,, H Rangaswamiengar do do

absent
12. ,, Boregowda, do Yedatore

Present
13. ,, Appajigowda, do do
14 ,, *H. V. Hanumantha Setty,* do *Hunsur*
15. ,, H N. Raghavendra Rao, do do
16 ,, B Chandrasekhariah, Heggaddevankote
17 , P Narayanasami, Taluk Board of Gundlupet
18 ,, Dorasamiengar, do Chamrajnagar

absent
19 ,, Venkatasamaiya do do
20 ,, E Krishnappa, do Nanjangud
21 , Papanna, do do

Present
22 ,, Shamiengar, do T Narsipur
23 , Varadiah, do do
24 , Puttasami Gowda, do Malavalli
25 ,, Biram Khan, do do
26 ,, G V Nanjappa Setty, do Mandya
27 ,, G Siddappa, do do
28 ,, Ramaswamaiya, do Nagamangala.
29 ,, Kulle Gowda do do
30 , B Narasinga Rao do Seringapatam
31 ,, Devaji Rao, do do
32 ,, H Krishna Sastry, do Krishnarajpete

Absent
33 , Ayachita Narayan Dikshit, Taluk Board of Krishnarajpete

Present
34 ,, Natesa Mudaliar, do French Rocks Sub-Taluk

Elected by Municipal Councils

absent
35 ,, A Krishna Rao, B A , B L , elected by the Municipal Council of Mysore City
36 , *S A Javaraya,* do do Seringapatam

Present
37 , K Venkatasamaiya, B A , B L do do Nanjangud

Elected by Inamd

38 , M K Krishna Rao Pleader Mysore

Elected by recognised Association

Present
39 C Narasimhaiya B A , B L , elected by the Bar Association Mysore

C. Nominated Members

40 Revd Father Laurent
41 Lokaseva Niratha Mr Ambli Annaya Pandit
42 Mr Mir Riza Ali
43 Mayi Gowda Patel, Bannur

absent
44 , Linga Gowda, Maddur
45 Muhammad Sait Mysore

[illegible] order No. 375 -60/ uz. 375-13-4 dated, the [illegible] in the matter of meeting the annual maintenance charges of the [illegible]otor Road round the Chamundeshwari Temple on the Chamundi Hill".

[illegible] for ensuring the payment :- The initial cost [illegible] from the funds of the Temple. The [illegible] examining the plans and estimates for the work. The [illegible] on the 25th [illegible] the cost of maintenance. In all correspondence with reference to the orders [illegible] how [illegible] charges as indicated in [illegible] by [illegible].

[illegible]

[illegible],

District

To

The President,

District Board,

MYSORE.

Sir,

With reference to your letter, No. C.267 of 1920-21/L. B. dated the 2nd August 1920, forwarding for orders, copy of a resolution of the District Board of Mysore, dated 25th November 1919, regretting their inability to bear the initial and the maintenance charges of the motor Road round the Sri Chamundeswari temple on the hill near Mysore, I am directed to ~~point out~~ observe that though the District Board is a statutory body, yet it is subject to the control of Government under section 8 of the Local Boards Regulation (VI of 1918) "Every District Board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Government may from time to time make and impose, provid for the control and administration of the following matter within the area subject to its authority:--

1272 27.10.20
Finance 57-20-2.

(a) the construction, repair and maintenance of public roads and other means of communication ..." and in section 27 of the same Regulation it is laid down, that the District Fund shall be applicable to the payment in whole or in part of the charge and expenses incidental to the several matter specified in section 8 and according to Section 28 it shall be competent to Government to sanction the budget estimates of the District Board with such modification, if any, it thinks fit. Under section 32 of the

Regulation a District Board is subject to the control of the Deputy Commissioner and a fortiori to the control of the Government. Section 35 is still more unmistakeable in it terms, giving as it does ~~vast~~ powers of control ~~over the~~ Government over District Boards.

2. The Huzur Secretary having made a reference to the District Board, they said they were unable to bear the cost and the matter having come up subsequently before Government they in the exercise of their ~~undoubted~~ powers of revision ~~over the acts of the district Board~~, gave the directions referred to by you. Neither a reconsideration of the position by the Board, nor their consent, was necessary to give validity to the order passed by Governmen That the decision arrived at by an authority cannot be set aside by a higher authority, except with the consent of the former, is, a position that cannot be ~~agreed to~~ conceded.

3. I am also to add that the order in question was issued by the Muzrai Secretariat with the approval of the Government in the L. B. ~~Section~~ department.

Recd - 5.10.20

4. In these circumstances, and in view of the special significance and importance of the road in question, I am directed to request you to be so good as to advise the District Board of Mysore to give immediate effect to C. C. No. 3356-60/Muz 375-19-4 date the 5th April 1920 and provide the necessary funds.

12/249/20

Secretary to Govern
Muz. Dept.

Rd 241 12-20

A copy of the above is forwarded, with with compliments to

No 1275 (1) The Huzur Secretary to H.H. the Maha raja.

No. 1273. (2) " Chief Engineer of Mysore.

No 1274. (3) " Muzrai Superintendent in Mysore.

No 1276. (4) " Comptroller to Government,

No 1277. (5) The Revenue Secretary to Government for information.

By Order

Secretary to Government,
Muzrai Department.

Office of the President, District Board

Mysore District,

Dated, Mysore the 17th January 1921.

From

R. Nanjaswamy Rao, Esq.,

President, District Board of Mysore,

Mysore.

To

T. E. Jayarama Iyer, Esq., B.A., B.L.,

Secretary to the Government of His Highness,

the Maharaja of Mysore, Muzrai Department,

Bangalore.

Sir,

With reference to your letter No.1272 Muz./87-20-3 dated the 7th October 1920, I have the honor to state that the District Board at their meeting held on the 27th November 1920 deferred the matter regarding the incidence of the cost of maintaining the Metal Road round the Sri Chamundeswari Temple to the next meeting to be held on 29th January 1921, for ~~this~~ mature consideration.

I have the honour to be,

Sir,

Your most obedient servant,

H. Nanjaswamy

For President,

District Board of Mysore.

From The President,
District Board of Nowsore,
Nowpore

To The Secretary to the Government
of H.H. the Nawaraja of
Nowgrai Department,
Bangalore

Dated 18th January 1921

Despatched 18th

Received

REVENUE & REV. SECT.
19 JAN 1921

General No.
No.

Enclosure No.

Subject.

Submits a report re the cost of maintaining the Motor Road round the Chaimundeswari Temple at Nowpore